

SENATE EDUCATION COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 557

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 6, 2018

The Senate Education Committee favorably reports Assembly Bill No. 557 (1R) with committee amendments.

As amended, this bill directs boards of education of school districts and county vocational school districts to adopt and implement a nepotism policy. The adoption of such a policy will be a condition for the receipt of State aid.

The nepotism policy adopted by a board of education must include, but need not be limited to, the following:

(1) a provision prohibiting any relative of a school board member or chief school administrator, school business administrator, school board attorney employed in-house on a full-time basis, or director of personnel from being employed in any office or position in the district. However, such a person employed by the district on the effective date of the policy or the date a relative becomes a school board member, chief school administrator, school business administrator, school board attorney, or director of personnel will not be prohibited from continuing to be employed or to be promoted, or, in the case of a reduction in force, employed in any position to which the person has a legal entitlement. Also, a district may employ such a relative if the district obtains the approval of the executive county superintendent of schools. The executive county superintendent may only grant the approval upon a demonstration by the district that it conducted a thorough search for candidates and that the proposed candidate is the only qualified and available person for the position;

(2) a provision prohibiting a chief school administrator from recommending to the school board any relative of a school board member, chief school administrator, school business administrator, school board attorney employed in-house on a full-time basis, or director of personnel unless the exceptions described above are applicable;

(3) a provision prohibiting a district administrator including a director of personnel, or a school board attorney employed in-house on a full-time basis from exercising direct or indirect authority,

supervision, or control over a relative. If it is not feasible to eliminate a direct or indirect supervisory relationship, appropriate screens or alternative supervision and reporting mechanisms must be put in place;

(4) a provision prohibiting a district administrator including a director of personnel, or a school board attorney employed in-house on a full-time basis, or a board member, who has a relative who is a member of the bargaining unit from discussing or voting on the proposed collective bargaining agreement with that unit or from participating in any way in negotiations, although the administrator including the director of personnel, or the school board attorney may provide technical information necessary to the collective bargaining process when no one else in the district can provide such information; and

(5) a provision providing that if a school board member, chief school administrator, school business administrator, school board attorney, or director of personnel resigns or ceases to be employed by the school district, and his relative becomes employed in an office or position in the school district within the three months following the resignation or cessation of employment, then the school board member, chief school administrator, school business administrator, school board attorney, or director of personnel may not be employed by the district for a period of 12 months from his last date of service or employment.

A school district or county vocational school district may exclude per diem substitutes and student employees from its nepotism policy.

The bill also directs the board of trustees of a charter school to adopt and implement a nepotism policy. The policy adopted by a board of trustees must incorporate the above provisions and will be applicable to members of the board and to charter school administrators.

Under regulations adopted by the Commissioner of Education, the board of education of a school district or county vocational school district was required to adopt a nepotism policy by October 1, 2008.

As amended and reported by the committee, this bill is identical to Senate Bill No. 2637, which also was amended and reported by the committee on this same date.

The committee amended the bill to:

- delete the provision prohibiting a district administrator, including a director of personnel or a school board attorney, or a board member, who has a relative who is a member of the same Statewide unit in another district from participating in any way in negotiations prior to the school board attaining a tentative memorandum of agreement with

the bargaining unit that includes a salary guide and total compensation package; and

- add a provision providing that if a school board member, chief school administrator, school business administrator, school board attorney, or director of personnel resigns or ceases to be employed by the school district, and his relative becomes employed in an office or position in the school district within the three months following the resignation or cessation of employment, then the school board member, chief school administrator, school business administrator, school board attorney, or director of personnel may not be employed by the district for a period of 12 months from his last date of service or employment.